

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF COLORADO, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF
HEALTH AND HUMAN SER-
VICES, *et al.*,

Defendants.

Civil Action No. 25-cv-121-MSM-LDA

DECLARATION OF KURT JOHN

Pursuant to 28 U.S.C. § 1746, I, Kurt John, declare as follows:

1. I am the Director of the Office of Financial Resources, Substance Abuse and Mental Health Services Administration (“SAMHSA”), the United States Department of Health and Human Services (“HHS”).

2. In that capacity, I provide fiscal stewardship across SAMHSA and serve as the agency’s principal advisor and liaison on all aspects of budget, grants, contracts, and financial management activities.

3. I have experience with HHS’s/SAMHSA’s record systems regarding grant awards. These records are made in the course of regularly conducted business activity at or near the time of relevant events by a person with knowledge of these events.

4. In the course of preparing this declaration, I have examined the office records available to me regarding grants awarded by SAMHSA.

5. I have reviewed the chart of SAMHSA block grants in the United States' Supplemental Briefing in Support of Its Opposition to Plaintiffs' Motion for a Preliminary Injunction and the information contained in the chart is accurate.

6. Under the American Rescue Plan Act ("ARPA"), Congress appropriated \$1,500,000,000 for the Substance Abuse Prevention and Treatment ("SAPT") Block Grant and \$1,500,000,000 for the Community Mental Health Services Block ("CMHS") Block Grant. The SAPT and CMHS authorizing statutes require that SAMHSA obligate five percent of the block grant appropriations for technical assistance, data collection and program evaluation. Thus, \$1,425,000,000 was appropriated for both SAPT and SMHS block grants through SAMSHA. In addition to the appropriated funds mentioned above, SAMHSA received an additional \$100,000,000 in ARPA funds through an intra-departmental transfer of authority from the HHS Public Health and Social Services Emergency Fund ("PHSSEF"). The funds were evenly distributed between the SAPT and CMHS Block Grants.

7. In accordance with the appropriations and authorizing statutes, SAMHSA made awards totaling \$1,474,612,375 under the SAPT Block Grant and \$1,474,585,317 under the CMHS Block Grant. The Plaintiff states were allocated \$834,868,156 of the ARPA SAPT Block Grant funding and \$820,703,645 of the ARPA CMHS Block Grant funding. The purpose of these awards was to enhance

COVID-19 testing and mitigation efforts for individuals with substance use and mental health needs and to address substance abuse prevention, treatment, and recovery needs in response to the COVID-19 Public Health Emergency (“PHE”).

8. As of April 17, 2025, the states in total (non-plaintiff and plaintiffs) had drawn \$949,188,857 in ARPA SAPT funding and \$887,366,456 in ARPA CMHS funding. As of April 17, the Plaintiff states had drawn \$538,482,482 in SAPT ARPA funding and \$491,781,201 in CMHS ARPA funding. As of April 17, 2025, for the Plaintiff states, \$328,922,444 in CMHS ARPA funding and \$296,385,674 in SAPT ARPA funding – a total of \$625,308,118 – remained undisbursed in SAMHSA’s accounting system. For all states, \$1.1 billion of ARPA CMHS and SAPT funding remained undisbursed in SAMHSA’s accounting system.

9. Under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), Congress appropriated \$1,650,000,000 for the SAPT Block Grant and \$1,650,000,000 for the CMHS Block Grant. The CRRSAA directed that SAMHSA award no less than 50 percent of the CMHS Block Grant appropriation to community mental health centers.

10. In accordance with the appropriations and authorizing statutes, SAMHSA awarded states \$1,650,000,000 under the SAPT Block Grant and \$825,000,000 under the CMHS Block Grant. The Plaintiff states were allocated \$934,751,557 of the CRRSAA SAPT Block Grant funding and \$459,325,985 of the

CRRSAA CMHS Block Grant funding. The purpose of these awards was to provide critical mental health services in response to the COVID-19 PHE.

11. With respect to the CRRSAA-funded grants, the period of performance had already expired at the time of the grant terminations.

12. As of April 17, 2025, the states in total had drawn \$1,578,032,707 in CRSSA SAPT funding and \$778,758,668 in CRRSAA CMHS funding. As of April 17, the Plaintiff states had drawn \$897,903,037 in SAPT CRRSA funding and \$436,744,393 in CMHS CRRSA funding. As of April 17, 2025, for the Plaintiff states, \$36,848,520 of CRSSA SAPT funding and \$22,581,592 of CRSSA CMHS funding – a total of \$59,430,112 - remained undisbursed in SAMHSA's accounting system. For all the states, \$118.2 million of CRRSAA CMHS and SAPT funding remained undisbursed in SAMHSA's accounting system.

I HEREBY DECLARE, to the best of my knowledge and belief, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

EXECUTED this April 24, 2025, at Washington, DC.

/s/ Kurt John